

1  
2  
3  
4  
5  
6  
7

8                   IN THE UNITED STATES DISTRICT COURT  
9                   FOR THE EASTERN DISTRICT OF CALIFORNIA

10  
11 LEAH ZAMORA,

12                   Plaintiff,

No. Civ. S-05-789 DFL KJM

13                   v.

STATUS (Pre-trial  
Scheduling) ORDER

14 SACRAMENTO RENDERING COMPANY;  
15 LOTHAR LEHMANN; MICHAEL PATRICK  
KOEWLER;

16                   Defendants.

17 \_\_\_\_\_ /

18                 After review of the Joint Status Report, the court makes the  
19 following order:

20                   SERVICE OF PROCESS

21                 All parties defendant to this lawsuit have been served and  
22 no further service will be permitted except with leave of court,  
23 good cause having been shown.

24                   JOINDER OF ADDITIONAL PARTIES/AMENDMENTS

25                 No further joinder of parties or amendments to pleadings is  
26 permitted except with leave of court, good cause having been

1 shown.

2 JURISDICTION AND VENUE

3 Jurisdiction and venue are not contested.

4 MOTION HEARINGS SCHEDULES

5 All dispositive motions shall be filed by August 9, 2006.

6 Hearing on such motions shall be on September 6, 2006, at  
7 10:00 a.m.

8 The time deadline for dispositive motions does not apply to  
9 motions for continuances, temporary restraining orders or other  
10 emergency applications.

11 THE OPPOSITION AND REPLY MUST BE FILED BY 4:00 P.M. ON THE  
12 DAY DUE.

13 All purely legal issues are to be resolved by timely pre-  
14 trial motions. The parties are reminded that motions in limine  
15 are procedural devices designed to address the admissibility of  
16 evidence and are cautioned that the court will look with disfavor  
17 upon substantive motions presented at the final pre-trial con-  
18 ference or at trial in the guise of motions in limine. The  
19 parties are further cautioned that if any legal issue which  
20 should have been tendered to the court by proper pre-trial motion  
21 requires resolution by the court after the established law and  
22 motion cut-off date, substantial sanctions may be assessed for  
23 the failure to file the appropriate pre-trial motion.

24 The Court places no page limitations upon the length of the  
25 parties' briefs; however, the parties are reminded that brevity  
26 is the soul of wit and that it is a rare motion that cannot be

1 persuasively and thoroughly argued in 20 pages or less.

2 The Court would appreciate the parties citing California  
3 cases to the California Reporter and Supreme Court cases to the  
4 Supreme Court Reporter.

## DISCOVERY

6 All discovery shall be completed by June 23, 2006. In this  
7 context, "completed" means that all discovery shall have been  
8 conducted so that all depositions have been taken and any  
9 disputes relative to discovery shall have been resolved by  
10 appropriate order if necessary and, where discovery has been  
11 ordered, the order has been complied with.

## DISCLOSURE OF EXPERT WITNESSES

13 The parties shall make expert witness disclosures under Fed.  
14 R. Civ. P. 26(a)(2) by April 7, 2006. Supplemental disclosure  
15 and disclosure of any rebuttal experts under Fed. R. Civ. P.  
16 26(a)(2)(C) shall be made by April 21, 2006.

Failure of a party to comply with the disclosure schedule as set forth above in all likelihood will preclude that party from calling the expert witness at the time of trial absent a showing that the necessity for the witness could not have been reasonably anticipated at the time the disclosures were ordered and that the failure to make timely disclosure did not prejudice any other party. See Fed. R. Civ. P. 37(c).

24 All experts designated are to be fully prepared at the time  
25 of designation to render an informed opinion, and give their  
26 reasons therefore, so that they will be able to give full and

1 complete testimony at any deposition taken by the opposing  
2 parties. Experts will not be permitted to testify at the trial  
3 as to any information gathered or evaluated, or opinion formed,  
4 after deposition taken subsequent to designation.

FINAL PRE-TRIAL CONFERENCE

6 The final pre-trial conference is set for October 20, 2006,  
7 at 2:00 p.m. In each instance an attorney who will try the case  
8 for a given party shall attend the final pretrial conference on  
9 behalf of that party; provided, however, that if by reason of  
10 illness or other unavoidable circumstance the trial attorney is  
11 unable to attend, the attorney who attends in place of the trial  
12 attorney shall have equal familiarity with the case and equal  
13 authorization to make commitments on behalf of the client. All  
14 pro se parties must attend the pre-trial conference.

15 Counsel for all parties and all pro se parties are to be  
16 fully prepared for trial at the time of the pre-trial conference,  
17 with no matters remaining to be accomplished except production of  
18 witnesses for oral testimony. The parties shall file with the  
19 court, no later than seven (7) days prior to the final pre-trial  
20 conference, a joint pre-trial statement. Also at the time of  
21 filings the Joint Pretrial Statement, counsel are requested to  
22 e-mail the Joint Pretrial Statement to Judge Levi's assistant,  
23 Mary Kay Lapham at: mlapham@caed.uscourts.gov.

24 Where the parties are unable to agree as to what legal or  
25 factual issues are properly before the court for trial, they  
26 should nevertheless list all issues asserted by any of the

1 parties and indicate by appropriate footnotes the disputes  
2 concerning such issues. The provisions of Local Rule 16-281  
3 shall, however, apply with respect to the matters to be included  
4 in the joint pre-trial statement. Failure to comply with Local  
5 Rule 16-281, as modified herein, may be grounds for sanctions.

6 The parties are reminded that pursuant to Local Rule 16-  
7 281(b) (10) and (11) they are required to list in the final pre-  
8 trial statement all witnesses and exhibits they propose to offer  
9 at trial, no matter for what purpose. These lists shall not be  
10 contained in the body of the final pre-trial statement itself,  
11 but shall be attached as separate documents so that the court may  
12 attach them as an addendum to the final pre-trial order. The  
13 final pre-trial order will contain a stringent standard for the  
14 offering at trial of witnesses and exhibits not listed in the  
15 final pre-trial order, and the parties are cautioned that the  
16 standard will be strictly applied. On the other hand, the  
17 listing of exhibits or witnesses that a party does not intend to  
18 offer will be viewed as an abuse of the court's processes.

19 The parties are also reminded that pursuant to Rule 16, F.  
20 R. Civ. P., it will be their duty at the final pre-trial con-  
21 ference to aid the court in: (a) formulation and simplification  
22 of issues and the elimination of frivolous claims or defenses;  
23 (b) settling of facts which should properly be admitted; and (c)  
24 the avoidance of unnecessary proof and cumulative evidence.  
25 Counsel must cooperatively prepare the joint pre-trial statement  
26 and participate in good faith at the final pre-trial conference

with these aims in mind. A failure to do so may result in the imposition of sanctions which may include monetary sanctions, orders precluding proof, elimination of claims or defenses, or such other sanctions as the court deems appropriate.

## TRIAL SETTING

6 Trial in this matter is set for November 27, 2006, at  
7 9:00 a.m. The parties estimate a trial length of approximately  
8 6 to 8 court days.

## SETTLEMENT CONFERENCE

10 No Settlement Conference is currently scheduled. If the  
11 parties wish to have a settlement conference, one will be  
12 scheduled at the final pretrial conference or at an earlier time  
13 upon request of the parties.

OBJECTIONS TO STATUS (PRETRIAL SCHEDULING) ORDER

15 This Status Order will become final without further Order of  
16 Court unless objection is lodged within seven (7) days of the  
17 date of the filing of this Order.

18 IT IS SO ORDERED.

19 || Dated: 6/30/2005

David L. Gutiérrez

DAVID F. LEVI  
United States District Judge